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24

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA

27 SAN FRANCISCO DIVISION

28

29 SUNNYSIDE DEVELOPMENT
30 COMPANY LLC,

31 Plaintiff,

32 vs.

33 CAMBRIDGE DISPLAY TECHNOLOGY
34 LIMITED, CDT OXFORD LIMITED,
35 OPSYS LIMITED, and JOHN DOES I
36 through V,

37 Defendants.

38 No. C-08-1780-MHP

39 **STIPULATION TO EXTEND TIME
40 FOR INITIAL DISCLOSURES**

41 Courtroom 15, 18th Floor
42 Hon. Marilyn Hall Patel

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RECITALS

2 A. Counsel for plaintiff Sunnyside Development Company LLC ("Sunnyside")
 3 and counsel for defendants Cambridge Display Technology Limited ("CDT Ltd.") and CDT
 4 Oxford Limited ("CDT Oxford") commenced the conference required by Rule 26(f) of the
 5 Federal Rules of Civil Procedure on June 17, 2008.

6 B. As a result, the last day for the parties to make their initial disclosures under
 7 Rule 26(a)(1) is July 1, 2008. *See Fed. R. Civ. P. 26(a)(1)(C)* (providing that a party "must
 8 make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference
 9 unless a different time is set by stipulation or court order, or unless a party objects during
 10 the conference that initial disclosures are not appropriate in this action and states the
 11 objection in the proposed discovery plan").

12 C. Rule 26(a)(1) permits the parties to stipulate to a different time for initial
 13 disclosures. Civil Local Rule 6-1(a) permits the parties to stipulate in writing, without a
 14 Court order, to enlarge the time "in matters not required to be filed or lodged with the
 15 Court, provided the change will not alter the date of any event or any deadline already fixed
 16 by Court order."

17 D. The parties are not required to file or lodge their initial disclosures with the
 18 Court. The Order Setting Initial Case Management Conference and ADR Deadlines, filed
 19 April 3, 2008 (Dkt. 3), provides that the last day to make initial disclosures is July 3, 2008.
 20 The Order also states, however, "If the Initial Case Management Conference is continued,
 21 the other deadlines are continued accordingly." The Initial Case Management Conference
 22 was continued from July 10, 2008, to July 21, 2008. *See Clerk's Notice (Scheduling Case*
23 Management Conference in Reassigned Case), filed May 30, 2008 (Dkt. 7). Accordingly,
 24 the last day to make initial disclosures was extended to July 14, 2008. The parties may
 25 therefore stipulate to extend the time for initial disclosures to and including July 14, 2008,
 26 without "alter[ing] the date of any event or any deadline already fixed by Court order."

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1 STIPULATION

2 Defendants CDT Ltd. and CDT Oxford, through their counsel of record, and
3 Plaintiff Sunnyside, through its counsel of record, hereby stipulate that the time for the
4 parties to make their initial disclosures under Rule 26(a)(1) of the Federal Rules of Civil
5 Procedure will be and is extended to and including July 14, 2008.

6 Dated: June 27, 2008.

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17 By /s/ Christoph C. Heisenberg
18 Christoph C. Heisenberg
19 Attorneys for Plaintiff
SUNNYSIDE DEVELOPMENT
COMPANY LLC

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

2 I, ALICE KWONG MA HAYASHI, hereby declare pursuant to General Order 45,
3 § X.B, that I have obtained the concurrence in the filing of this document from Christoph C.
4 Heisenberg, counsel for Sunnyside.

I declare under penalty of perjury that the foregoing declaration is true and correct.

6 Executed on June 27, 2008, at San Francisco, California.

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/s/ Alice Kwong Ma Hayashi
Alice Kwong Ma Hayashi

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